

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JAMES C. KISTNER,

Plaintiff,

**SECOND AMENDED CASE
MANAGEMENT ORDER**

18-CV-00402-LJV-JJM

v.

THE CITY OF BUFFALO, BRYON
LOCKWOOD, DANIEL DERENDA,
LAUREN MCDERMOTT, JENNY VELEZ,
KARL SCHULZ, KYLE MORIARTY,
AND JOHN DOE(S),

Defendants.

In accordance with the December 20, 2019 proceeding, the Amended Case Management Order [30] is amended as follows:

1. All fact discovery shall be completed by no later than **March 31, 2020**.

If discovery disputes arise, the parties shall initially advise me of the dispute via letter (copying opposing counsel). Upon review of the letter, I will generally schedule a conference with the parties to attempt to resolve the issue informally. If the dispute is not resolved informally, the parties will be given the opportunity to file a formal motion. This informal discovery dispute resolution process is not expedited motion practice. Therefore, letter submissions should provide a brief overview of the issue with supporting documentation and the parties' positions. Parties do not waive arguments by failing to raise them in their letter submissions.

2. Each party intending to offer the testimony of an expert in connection with any issue as to which it bears the burden of proof (including claims, counterclaims, cross-claims or affirmative defenses) shall identify such expert(s) and provide reports pursuant to Rule 26 by no later than **May 1, 2020**. Each party intending to offer other expert testimony (*i.e.*, testimony

in response to expert testimony previously designated by an opposing party, or in support of an issue as to which the offering party does not bear the burden of proof), shall identify such expert(s) and provide reports pursuant to Rule 26 by no later than **June 1, 2020**.

3. All expert depositions shall be completed by no later than **July 1, 2020**.

4. Pretrial dispositive motions, if any, shall be filed by no later than **July 31, 2020**. Such motions shall be made returnable before the Magistrate Judge. The parties are directed to provide a courtesy copy of all motion papers to the Court.

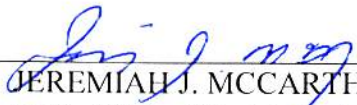
5. If no pretrial dispositive motions are filed, the parties shall contact Judge Vilardo's chambers by **August 7, 2020** to schedule a trial date.

6. Mediation sessions may continue, in accordance with Section 5.11 of the ADR Plan, until **July 31, 2020**. The continuation of mediation sessions shall not delay or defer other dates set forth in this Case Management Order.

No extension of the above deadlines will be granted except upon written application, filed prior to the deadline, showing good cause for the extension. Absent truly exceptional circumstances, any application for an extension shall be made at least one week prior to the deadline sought to be extended. The parties are reminded that "a finding of 'good cause' depends on the diligence of the moving party". Parker v. Columbia Pictures Industries, 204 F.3d 326, 340 (2d Cir. 2000).

SO ORDERED.

Dated: December 20, 2019


JEREMIAH J. MCCARTHY
United States Magistrate Judge